



# STATE BOARD OF OPTOMETRY

## NEWSLETTER

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### CONTACT LENS PRESCRIPTION RELEASE LAW

A new federal law known as the "Fairness to Contact Lens Consumers Act" went into effect on February 4, 2004. This new law requires all eye care practitioners to provide copies of prescriptions to all contact lens patients. The law is similar to the mandatory prescription rules of the Federal Trade Commission for eyeglasses, known as the "Eyeglasses Rule". The new law states in part, "When a prescriber completes a contact lens fitting, the prescriber (1) whether or not requested by the patient, shall provide to the patient a copy of the contact lens prescription; and (2) shall, as directed by any person designated to act on behalf of the patient, provide or verify the contact lens prescription by electronic or other means." Proposed regulations of the Federal Trade Commission regarding implementation of the law would define exactly how long eye care practitioners have to respond to contact lens prescription requests.

In addition to providing patients with a copy of their prescription upon completion of a contact lens fit, the law places significant restrictions on the contact lens replacement market. Contact lens sellers are specifically prohibited from providing lenses to a patient without "direct communication" with the prescribing practitioner to verify that the patient had a valid prescription for the lenses and to confirm that all information on the prescription is accurate. Eye care practitioners have eight business hours to respond to a request for prescription verification from a contact lens seller. Under the proposed regulations, the Federal Trade Commission defines a business hour to mean an hour between 9:00 a.m. and 5:00 p.m., excluding Saturday, Sunday, and all Federal holidays.

Under this new law, when the Board receives inquiries and/or complaints from the public regarding an optometrist's refusal to provide them with their contact lens prescription, staff will first inquire as to whether the patient requested the prescription from

the optometrist. If so, staff will inquire as to whether or not the optometrist has completed the fitting process. If the request for the prescription has been made and the fitting process is complete, the prescription must be released. The new law defines a contact lens fitting as the process beginning with the initial eye examination and ending when a successful fit has been achieved or, in the case of a renewal prescription, ending when the eye care practitioner determines that no change in prescription is required.

The Federal Trade Commission is the government entity charged with the enforcement of the new law. The Missouri State Board of Optometry will assist in its enforcement. If Board staff believes that an optometrist is not releasing a contact lens prescription as in accordance with the new law, complaint forms will be sent to the person who is making the inquiry and the Board will act on the complaints as they are received on a case-by-case basis.

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**Governor**  
The Honorable Bob Holden

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Donald J. Vanderfeltz, O.D.  
Member

Dayna M. Stock  
Public Member

**Central Office**  
Sharlene Rimiller  
Executive Director

3605 Missouri Boulevard  
P.O. Box 1335  
Jefferson City, MO 65102  
573-751-0814  
573-751-8216 Fax

800-735-2966 TTY

E-mail: [optom@mail.state.mo.us](mailto:optom@mail.state.mo.us)  
<http://pr.mo.gov/optometrists.asp>



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## CONTINUING EDUCATION COURSE APPROVAL

From time to time the Board has found it necessary to remind licensees of the guidelines established by rule for approval of continuing education programs. The rule, 4 CSR 210-2.030, establishes a list of approved continuing education providers. The approved providers are the:

1. American Optometric Association;
2. Missouri Optometric Association or any other State Optometric Association affiliated with the American Optometric Association;
3. American Academy of Optometry;
4. Accredited Colleges of Optometry;
5. Southern Council of Optometrists;
6. Educational meetings approved by the Council on Optometric Practitioner Education (COPE);
7. North Central States Optometric Congress;
8. Heart of America Optometric Congress and the Heart of America Contact Lens Society;
9. College of Optometrists in Vision Development;
10. Optometric Extension Program; and
11. Accredited Schools of Medicine.

The only exception to the automatic approval of meetings sponsored by the above providers is if the program is sponsored for commercial purposes by individuals or institutions or programs in which the speaker advertises or urges the use of any particular ophthalmic product or appliance. These programs are generally not accepted for continuing education credit.

All other providers that wish to sponsor an educational program to meet the standard for renewal in Missouri can apply to the Board. Only applications completed on the Board's form are accepted and there is a \$25 biennial continuing education sponsor fee required. The provider must also submit two (2) copies of the program schedule and outline to the Board's central office not fewer than sixty (60) days prior to the date of the program. The outline must indicate the program's subject matter, the number of hours required for its presentation and the identity and qualifications of the speakers and instructors. Upon receipt of a completed application, the Board will determine if the program meets the standards for continuing

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## CONTINUING EDUCATION COURSE APPROVAL

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education credit. The rule specifically states that the Board will not consider any applications for course approval of a program submitted following the meeting. In fact, the Board has determined that if the program schedule and outline are not received at least sixty (60) days prior to the date of the meeting as required by rule, continuing education credit will not be granted.

The Board generally audits a high percentage of licensees after each renewal cycle to determine compliance with the mandatory continuing education requirements. To avoid problems during this process, the Board strongly encourages and recommends that all licensees make certain that the programs they are attending are Board approved prior to attending the programs. Often we see continuing education providers advertising their programs or seminars and the advertisements indicate that Board approval is pending. Please do not assume that the Board will eventually approve the program because if it has not been submitted in accordance with the Board's rule (sixty days prior to the date of the program), chances are it will not receive Board approval regardless of the program content. Also, please be reminded that cause exists for discipline of an optometry license if the licensee fails to comply with the mandatory continuing education requirements.

The Board also wishes to remind licensees that to be in compliance with the mandatory continuing education requirements, the licensee must earn eight (8) hours of Board approved continuing education each year. For renewal of a license in 2004, eight (8) hours of Board approved continuing education is required in the reporting period beginning on September 1, 2002 and ending on August 31, 2003, and an additional eight (8) hours is required in the reporting period beginning on September 1, 2003 and ending on August 31, 2004.

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## NEW BOARD APPOINTEES

On October 16, 2003, Governor Bob Holden appointed Dayna M. Stock to the Missouri State Board of Optometry as its newest public member. Since 1998, Ms. Stock has been a manager at the Sue Shear Institute for Women in Public Life at the University of Missouri-St. Louis. She is a 1994 graduate of Southwest Missouri State University in Springfield, Missouri, earning her baccalaureate in communication management and a minor in journalism. Ms. Stock was awarded the honor of Outstanding Graduate in 1994. In December 2003, Ms. Stock earned her Master's degree in Public Policy Administration from the University of Missouri-St. Louis. Ms. Stock is a member of the Community Advisory Council for the Department of Communications at Southwest Missouri State University; the Housing Council for the City of Clayton; and volunteers her time in many volunteer organizations, such as the United Way of Greater St. Louis; Coro Women in Leadership; St. Louis Jazz Festival; and St. Louis Art Fair. Ms. Stock replaces Vickie Young who served on the Board for eight and a half years. The Board thanks Vickie for her years of service to optometry and the state of Missouri.

On March 11, 2004, Governor Bob Holden appointed Dr. Christy M. Fowler to the Missouri State Board of Optometry. Dr. Fowler is owner and practicing optometrist at Regional Eyecare Center, Inc., in Cape Girardeau, Missouri. She has been in private practice since graduating from the University of Missouri-St. Louis School of Optometry in 1994. She also received a Bachelor of Science degree from Murray State University in Murray, Kentucky, where she graduated Cum Laude. Dr. Fowler is a member of the American Optometric Association; the Missouri Optometric Association; Southeast Missouri Optometric Society; and the Heart of America Contact Lens Society. She served as president of the Southeast Missouri Optometric Society and is an examiner for the National Board of Examiners in Optometry (NBEO). Dr. Fowler also volunteered her time by providing optometric services in a mission to Colombia, South America. Dr. Fowler replaces Dr. Karen Rosen who served on the Board for over ten years. The Board thanks Dr. Rosen for her years of service to optometry and the state of Missouri.

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Division of Professional Registration  
State Board of Optometry  
3605 Missouri Boulevard  
PO Box 1335  
Jefferson City MO 65102

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## NEW BOARD APPOINTEES Continued

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On March 18, 2004, Governor Bob Holden appointed Dr. Donald Vanderfeltz to the Missouri State Board of Optometry. Dr. Vanderfeltz is in private practice with offices in California and Tipton. He has been in private practice since March of 1978. Dr. Vanderfeltz graduated from the Illinois College of Optometry in 1977. Prior to Optometry school, he attended the Christian Brothers College in Memphis, Tennessee. Dr. Vanderfeltz is a member and Past President of the Missouri Optometric Association and the Central Missouri Optometric Society. He is also a member and Regional Agency Liaison for Region 7 of the American Optometric Association and is a past member of the North Central States Optometric Association and the Heart of America Contact Lens Society. Dr. Vanderfeltz is also involved in many community organizations, including the California Chamber of Commerce; California Recreation Association; California Country Club; California Area Economic Development Commission; Lions Club; and Knights of Columbus. Dr. Vanderfeltz has served on the St. Andrew's School Board and the Helias Interparish School Board and coaches area sports including softball, soccer and baseball. Dr. Vanderfeltz replaces Dr. Terry Swinger who resigned in January when he was sworn in as State Representative of the 162nd District. The Board thanks Dr. Swinger for his years of service to optometry and the state of Missouri.